

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FAGNELLI PLUMBING COMPANY, INC.,

Plaintiff,

10cv0679

ELECTRONICALLY FILED

v.

GILLECE PLUMBING AND HEATING, INC.
ET AL.,

Defendants.

**MEMORANDUM ORDER OF COURT RE. PLAINTIFF'S REQUEST FOR A
PERMANENT INJUNCTION**

Plaintiff has requested that this Court it grant permanent injunctive relief from Defendants' use of its mark. Doc. No. 1, 7, 10.

"In deciding whether a permanent injunction should be issued, the Court must determine if the Plaintiff has actually succeeded on the merits (i.e. met its burden of proof). If so, the Court must then consider the appropriate remedy." *Ciba-Geigy Corp. v. Bolar Pharmaceutical Co.*, *See also Evans v. Buchanan*, 555 F.2d 373 (3d Cir. 1977). For the reasons set forth in detail in this Court's Memorandum Opinion filed this same day, the Court finds that a permanent injunction on the grounds sought by Plaintiff is an appropriate remedy.

AND NOW, this 15th day of February, 2011, Plaintiff's request for a permanent injunction against Defendant is **GRANTED**. Defendant is permanently enjoined from redirecting traffic on the Internet from the fagnelli.com domain name or any similar domain name or any domain name using the word "fagnelli" to the website of Defendant Gillece Plumbing/Services or to any other website. Defendants are further permanently enjoined from owning the domain name fagnelli.com or any similar domain name or any domain name using

the word “fagnelli” and, further, are directed to transfer ownership of all such names to Fagnelli on the records of the registrar GoDaddy.com, Inc. and on the records of any other registrar, on or before February 25, 2011.

SO ORDERED, this 15th day of February 2011

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties